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**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled ATTENUATION AND CALIBRATION SYSTEMS AND METHODS FOR USE WITH A LASER DETECTION IN AN OPTICAL COMMUNICATION SYSTEM; the specification of which was filed on **October 23, 2001** as Application Serial No. 10/045661. The undersigned hereby authorizes and requests the attorneys of record Knobbe, Martens, Olson & Bear, LLP, **Customer Number 20,995**, to insert the serial number of the application.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/240,346

Filing Date: October 13, 2000

Application No.: 60/242,539

Filing Date: October 23, 2000

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S.A. Application(s)

Application No.: 09/941,319

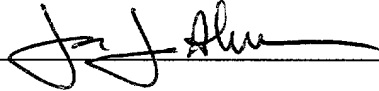
Filing Date: **August 28, 2001**

Status: **Pending**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Jim Alwan** (JAMES J. ALWAN)

Inventor's signature



Date 11/5/01

Residence: **16510 Via Esprillo, San Diego, CA 92127**

Citizenship: **USA**

Post Office Address: **16510 Via Esprillo, San Diego, CA 92127**

Full name of second inventor: **Paul William Binun**

Inventor's signature



Date 11/5/01

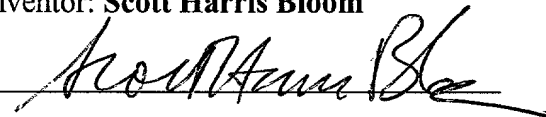
Residence: **1460 Elmwood Court, Chula Vista, CA 91915**

Citizenship: **USA**

Post Office Address: **1460 Elmwood Court, Chula Vista, CA 91915**

Full name of third inventor: **Scott Harris Bloom**

Inventor's signature



Date 11-5-01

Residence: **319 Via Andalusia, Encinitas, CA 92024**

Citizenship: **USA**

Post Office Address: **319 Via Andalusia, Encinitas, CA 92024**

20040301 09:34:00

Inventor's signature

Date 11/6/2001

Inventor's signature

Date 11-5-01

Full name of sixth inventor: **Hugh Michael O'Brien IV**

Inventor's signature

Date 11-5-01

**Post Office Address: 10710 Westonhill Drive, San Diego, CA 92126**

Full name of seventh inventor: **Scott Platenberg**

Inventor's signature

Date

Residence: **756 Winding Way, Encinitas, CA 92024**

Citizenship: **USA**

Post Office Address: **756 Winding Way, Encinitas, CA 92024**

Full name of eight inventor: **Werner Pyka**

Inventor's signature

Date

Residence: **17976 Cabela Drive, San Diego, CA 92127**

Citizenship: **USA**

Post Office Address: **17976 Cabela Drive, San Diego, CA 92127**

Full name of ninth inventor: **Raymond D. Rogers**

Inventor's signature

Date

Residence: **7223 Melotte Street, San Diego, CA 92119**

Citizenship: **USA**

Post Office Address: **7223 Melotte Street, San Diego, CA 92119**

Send Correspondence To:

**KNOBBE, MARTENS, OLSON & BEAR, LLP**

**Customer No. 20,995**

AIRFIBE.004CP

PATENT



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Alwan et al. )  
 )  
 App. No. : 10/045,661 )  
 )  
 Filed : October 23, 2001 )  
 )  
 For : ATTENUATION AND )  
 CALIBRATION SYSTEMS AND )  
 METHODS FOR USE WITH A )  
 LASER DETECTOR IN AN OPTICAL )  
 COMMUNICATION SYSTEM )  
 )  
 Examiner : 2874 )  
 )

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents  
 Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 620

204050-1395001

App. No. : Unknown  
Filed : Herewith

Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

Airfiber, Inc.

Dated: 4/24/02

By: *V. Capps*

Name: VICKIE L. CAPPS

Title: CFO

Address: 16510 Via Esprillo  
San Diego, CA 92127

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101901

COPY

Application No.: Unknown  
Filing Date: Herewith

- DO NOT RECORD -

PATENT  
Client Code: AIRFIBE.004CP1  
Page 1

ASSIGNMENT

WHEREAS, We, Jim Alwan, a U.S. citizen, residing at 16510 Via Esprillo, San Diego, CA 92127; Paul William Binun, a U.S. citizen, residing at 1460 Elmwood Court, Chula Vista, CA 91915; Scott Harris Bloom, a U.S. citizen, residing at 319 Via Andalusia, Encinitas, CA 92024; Victor J. Chan, a U.S. citizen, residing at 12495 Pathos Lane, San Diego, CA 92129; Glenn Claude Hoiseth, a U.S. citizen, residing at 29894 Avenida Cima del Sol, Temecula, CA 92591; Hugh Michael O'Brien IV, a U.S. citizen, residing at 10710 Westonhill Drive, San Diego, CA 92126; Scott Platenberg, a U.S. citizen, residing at 756 Winding Way, Encinitas, CA 92024; Werner Pyka, a U.S. citizen, residing at 17976 Cabela Drive, San Diego, CA 92127 and Raymond D. Rogers, a U.S. Citizen, residing at 7223 Melotte Street, San Diego, CA 92119, have invented certain new and useful improvements in a ATTENUATION AND CALIBRATION SYSTEMS AND METHODS FOR USE WITH A LASER DETECTOR IN AN OPTICAL COMMUNICATION SYSTEM for which we have filed an application for Letters Patent in the United States, Application No. 10/045661, Filing Date October 23, 2001. The undersigned hereby authorizes and requests the attorneys of record Knobbe, Martens, Olson & Bear, LLP, Customer No. 20,995 to insert the serial number of the application.

AND WHEREAS, Airfiber, Inc. (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 16510 Via Esprillo, San Diego, CA 92127, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application;

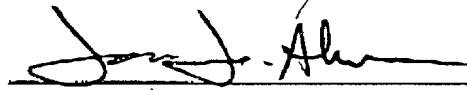
NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

Application No.: Unknown  
Filing Date: Herewith

PATENT  
Client Code: AIRFIBE.004CP1  
Page 2

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 5 day of November, 2001.



Jim Alwan (JAMES J. ALWAN)

STATE OF

COUNTY OF

ss.

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared Jim Alwan personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 5 day of November, 2001.



Paul William Binun

STATE OF

COUNTY OF

ss.

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared Paul William Binun personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]


Notary Signature



Application No.: Unknown  
Filing Date: Herewith

PATENT  
Client Code: AIRFIBE.004CP1  
Page 3

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 5 day of November, 2001

  
\_\_\_\_\_  
Scott Harris Bloom

STATE OF

ss.

COUNTY OF

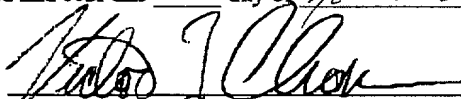
On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared Scott Harris Bloom personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

\_\_\_\_\_  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 5 day of November, 2001.

  
\_\_\_\_\_  
Victor J. Chan

STATE OF

ss.

COUNTY OF

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared Victor J. Chan personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

\_\_\_\_\_  
Notary Signature

Application No.: Unknown  
Filing Date: Herewith

PATENT  
Client Code: AIRFIBE.004CP1  
Page 4

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 5 day of November, 2001.

Glenn Claude Hoiseth  
Glenn Claude Hoiseth

STATE OF

ss.

COUNTY OF

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared Glenn Claude Hoiseth personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

\_\_\_\_\_  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Hugh Michael O'Brien IV  
Hugh Michael O'Brien IV

STATE OF

ss.

COUNTY OF

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared Hugh Michael O'Brien IV personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

\_\_\_\_\_  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 5 day of November, 2001.

Scott T. Platenberg  
Scott Platenberg

STATE OF

ss.

COUNTY OF

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared Scott Platenberg personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

\_\_\_\_\_  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Werner Pyka  
Werner Pyka

STATE OF

ss.

COUNTY OF

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared Werner Pyka personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

\_\_\_\_\_  
Notary Signature

Application No.: Unknown  
Filing Date: Herewith

PATENT  
Client Code: AIRFIBE.004CP1  
Page 6

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 5 day of November, 2001

Raymond D. Rogers  
Raymond D. Rogers

STATE OF

ss.

COUNTY OF

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared Raymond D. Rogers personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

\_\_\_\_\_  
Notary Signature

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